

REMARKS/ARGUMENTS

Claims 1, 3-15, 21-24 and 26-36 were considered by the Examiner. The Examiner rejected claims 1, 3-4, 22, 26-34, and 36; allowed claims 5-15, 23, and 35; and objected to claims 21 and 24. In the present Amendment, Applicants have amended claims 1, 15, 22, 24, 31-34, and 36; newly added claims 37-59; and canceled claims 4, 21, and 30, without prejudice. For the reasons set forth below, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Objections

Claims 15 and 22 are objected to because of informalities. Applicants have revised the claims according to the Examiner's suggestions in order to overcome these objections. Thus, Applicants respectfully request that these objections be withdrawn.

Claim Rejections – 35 USC § 112

Claims 32 and 33 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended the above claims taking into account the Examiner's suggested language and also the language employed in the claims at issue in *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Thus, Applicants respectfully request reconsideration and withdrawal of these rejections.

Claim Rejections – 35 USC § 102

Claims 1, 3-4, 22, 26-32, and 36 are rejected under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,947,446 to LoGalbo et al. ("*LoGalbo*").

With respect to claim 1, on pages 9 and 21 of the last Office Action, the Examiner stated that claim 1 would be allowable if rewritten to include the limitations of claim 21. Specifically, on page 12 of the Office Action, regarding claim 21, the Examiner stated that "*LoGalbo* as well as the other prior art of record do not teach 'wherein the segment indicator indicates if segmentation is active for retransmission requests.'" Accordingly, the Applicants have amended claim 1 to include the limitations of claim 21. Thus, Applicants respectfully request

reconsideration and allowance of claim 1. Claims 3 and 26-31 depend from claim 1 and thus are also allowable for at least the reasons provided for claim 1.

With respect to claim 22, this claim has been amended to include the limitations of claim 21 which the Examiner indicated was allowable. More specifically, claim 22 has been amended to add the following limitation: "means for applying a segment indicator to each fragment, wherein the segment indicator indicates if segmentation is active for retransmission requests." As referred to earlier, the Examiner, on page 12 of the last Office Action, stated that "*LoGalbo* as well as the other prior art of record do not teach 'wherein the segment indicator indicates if segmentation is active for retransmission requests.'" Thus, the Applicants respectfully request reconsideration and allowance of claim 22.

With respect to claim 32, this claim has been amended to include the limitations of claim 21 which the Examiner indicated was allowable. More specifically, claim 32 has been amended to add the following limitation: "applying a segment indicator to each fragment, wherein the segment indicator indicates if segmentation is active for retransmission requests." As referred to earlier, the Examiner, on page 12 of the last Office Action, stated that "*LoGalbo* as well as the other prior art of record do not teach 'wherein the segment indicator indicates if segmentation is active for retransmission requests.'" Thus, the Applicants respectfully request reconsideration and allowance of claim 32.

With respect to claim 36, this claim has been amended to include the limitations of claim 21 which the Examiner indicated was allowable. More specifically, claim 36 has been amended to add the following limitation: "apply a segment indicator to each fragment, wherein the segment indicator indicates if segmentation is active for retransmission requests." As referred to earlier, the Examiner, on page 12 of the last Office Action, stated that "*LoGalbo* as well as the other prior art of record do not teach 'wherein the segment indicator indicates if segmentation is active for retransmission requests.'" Thus, the Applicants respectfully request reconsideration and allowance of claim 36.

Claim 34 is rejected under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,141,784 to Davis et al. ("*Davis*").

Claim 34 has been amended to include the limitations of claim 24 which the Examiner indicated was allowable. More specifically, claim 34 has been amended to add the following

limitation: “apply a segment indicator to each fragment, wherein the segment indicator indicates if segmentation is active for retransmission requests.” *Davis* does not disclose at least this newly added element. The Examiner conceded that *Davis* does not disclose the newly added element because on page 12 of the last Office Action, the Examiner stated that “*Davis* as well as the other prior art of record do not teach ‘including an active or inactive segment indicator in the plurality of segments when transmitting the fragments with information regarding reconstruction of the fragmented segments.’” Thus, the Applicants respectfully request reconsideration and allowance of claim 34.

Allowable Subject Matter

In the last Office Action, the Examiner stated that claims 5-15, 23 and 35 are allowable over the prior art of record. In addition, the Examiner stated that claims 21 and 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As stated earlier, claim 1 has been rewritten to include the limitations of claim 21 and its intervening claim, claim 4. Thus, Applicants respectfully request allowance of these claims.

New Claims

New claims 37-42 are allowable for at least the reasons provided earlier with respect to claim 5. Support for these new claims is provided at, for example, ¶¶ 1071-1074, and 1079-1080.

Similarly, new claims 43-53 are allowable for at least the reasons provided earlier with respect to claim 7. Support for these new claims is provided at, for example, ¶¶ 1071-1074, and 1079-1080.

New claims 54-59 depend on claim 36 and thus are allowable for at least the reasons provided earlier with respect to claim 36. Support for these new claims is provided at, for example, ¶¶ 1058, 1062, 1064, and 1079.

For the foregoing reasons, Applicants respectfully request allowance of these new claims.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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